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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,366	11/10/2000	Robert E. Haines	10003235-1	5518

22879 7590 05/09/2003

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FORT COLLINS, CO 80527-2400

EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/710,366	HAINES ET AL.
	Examiner Mark A Fadok	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 February 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 11/8/2002, which was received 2/7/2003. Acknowledgement is made that no claims have been amended, cancelled or added. Applicant's arguments have been carefully considered, but were found not to be persuasive. Therefore the previous rejection is restated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danknick, and further in view of Official Notice.

Danknick teaches all the features in the instant claims such as consumable items being monitored and ordered automatically over a network, but does not specifically mention the following features:

In regards to claims 4,5 and 7, Danknick teaches ordering parts, but does not specifically mention the authorization features of the instant claims. The Examiner notes that implementing levels of authorization for automated parts ordering is old and well known in the art. It would have been obvious to a person of ordinary skill in the art to include in Danknick the authorization features as taught in the instant claims, because this would limit the purchasing authorities and provide a set of rules for spending a companies money during the purchasing process.

In regards to claim 1, 6, 18, 19 and 20, Danknick teaches ordering for a peripheral device, but does not mention using the specific ordering features of the instant application such as: providing an order location, providing an electronic shopping cart list, placing an order for the consumable with a reseller using the personal computer, automatically placing the ordering response to notifying the user and prior to placing the order, querying a user to authorize placing the order with an identified seller. It was old and well known at the time of the invention of Danknick to provide the features noted above to electronic commerce systems that provide for ordering parts or services over the Internet. Since the features were readily available, it would have been obvious to one skilled in the art to include in the ordering portion of the invention Danknick, providing an order list, providing an electronic shopping cart list, placing an order for the consumable with a reseller using the personal computer, automatically placing the ordering response to notifying the user and prior to placing the order, querying a user to authorize placing the order, because these feature would add increased functionality and provide a more friendly user environment.

Response to Arguments

Applicant's arguments have been carefully considered, but were found not to be persuasive.

Applicant argues the examiners use of Official Notice and requests that prior art be presented. In response to this request the examiner provided the following:

- Levels of authorization for automated parts ordering – Katz (page 29, para. 667)
- Providing an order location – Isaacson et al (2002/0019778) teaches placing a purchase request for toner cartridges that includes a shipping address/location to be sent. (page 3, para.'s 42, 51 and page 4, para. 64)
- Providing an electronic shopping cart list – Isaacson teaches an electronic shopping cart list (page 3, paragraph 42, and FIG 4C)
- Placing an order with a reseller using the personal computer – Katz et al (US 2002/0065950) teaches placing an order with a reseller using a personal computer (page 1, para. 2, and page 5, para. 66)
- Automatically placing the order for the consumable in response to notifying the user – Katz (page 5, para.'s 69-75)
- Prior to placing the order, querying a user to authorize placing the order with an identified reseller – Isaacson, (page 2 para.'s 14 and 15, page 3, para.'s 42, and page 5, para. 75)

Applicant also argues that Danknick does not teach or suggest:

- Receiving a notification from the computer peripheral device via a messaging system of a need to order a consumable – FIG 20
- Alert a user of the personal computer of the notification – Fig 20 alerts the user and see using a personal computer to order the parts above, see also figure 4.
- And provide an order location to the user for the consumable – See order location above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is (703) 605-

4252. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

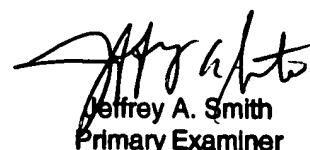
(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner



Jeffrey A. Smith
Primary Examiner